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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,198	09/25/2003	Rolf Meyer	2748	6384

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103 East Neck Road
Huntington, NY 11743

EXAMINER

MAY, ROBERT J

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/671,198

Applicant(s)

MEYER ET AL.

Examiner

Robert May

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/25/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8 and 11-16 is/are rejected.
- 7) ☒ Claim(s) 3,7,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-2, 5, 8, 12-13, & 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keffe (US Pat. 4,888,517).

In regard to Claims 1-2, & 5 Keffe discloses all of the elements recited in Claims 1-2, however does not disclose them in the same embodiment. Figure 3 discloses an embodiment with a mesh of metal wires (Col. 8, Lines 49-50) or mat like guard affixed to the outer surface of a glass body. However, Fig. 3 fails to disclose an interior reflective mirror surface, but Fig. 12 discloses an embodiment with a light reflective inner surface (144) attached to a thick glass body (142). It is generally known to one of ordinary skill to use a reflective material in a lamp body in order to disperse the light in an intended direction and adding the mesh to the outer surface will add a reinforcing means to the

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lamp body (Col 8, Line 43). Therefore it would be obvious to one of ordinary skill to combine the outer mesh of Fig. 3, to the outer surface of the lamp body in Fig. 12 with in order to enhance the light dispersing properties and to further reinforce the lamp structure.

In regard to Claim 8, Keeffe discloses the claimed invention except for using an adhesive for attaching the mat to the outer surface of the base body. It would have been an obvious matter of design choice to use an adhesive, since applicant has not disclosed that using an adhesive solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with using an adhesive. Therefore, it would be obvious to one of ordinary skill to use an adhesive for attaching the mat to the outer surface of the reflector body because it is generally known to someone with ordinary skill in the art to use an adhesive to affix or adhere elements together including this particular structure of attaching the mat to the outer surface of the shield in Figures 3-5.

In regard to Claim 16, Keeffe discloses that the "type of light source capsule i.e. metal-halide arc tube... is not critical to the pure containment function of the invention" (Col. 4, Lines 38-40). A metal-halide arc tube is by definition a high intensity discharge lamp configuration of the gas discharge type (Sam's and Don's D-Lamp FAQ-Pg 8). Therefore it would have been obvious to one of ordinary skill to use a gas discharge lamp because it's not critical to the shielding function of lamp assembly.

In regard to Claims 12-13, & 15 Keeffe discloses the claimed invention except for a coating on the outer surface of the jacket, which is hardened. However Keeffe

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discloses using a perfluoroalkoxy resin as a reinforcing means on the outer surface of the reflector body in Fig 10 (col. 10, Lines 14-21). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a mesh attached to the outer surface (142) of the reflector body (Fig. 12) saturated with a hardenable substance such as perfluoroalkoxy resin (Col. 10, Lines 14-21), a fluoro-polymer, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950). Therefore it would be obvious to use the fluoro-polymer resin saturating the outer jacket

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Keeffe as applied to claims 1-2, 5, 8, & 16 above, and further in view of Karlotski (US Pat. 4,942,330).

In regard to Claim 4, Keeffe fails to disclose ceramic fibers, but Karlotski discloses a mesh (34) made of ceramic fibers that encapsulate a light capsule (14) in order to prevent shards of glass damaging the surrounding environment upon failure of the lamp assembly. Ceramic is disclosed as a suitable material because it is electrically non-conducting and capable of withstanding high operating temperatures (Col. 4, Lines 10-13). A non-conducting wire mesh also reduces sodium migration to the extent that the mesh causes it, which enhances the longevity of such a lamp assembly that has sodium in the light capsule (Col 4, Lines 14-18). Therefore it is obvious to one of ordinary skill in the art to use ceramic fibers because ceramic can withstand the high operating temperatures and extends the life of the lamp assembly.

Claims 6, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keeffe as applied to claims 1-2, 5, 8, 12-13 & 16 above, and further in view of Horelick (US Pat. 3,148,835).

Regarding Claim 6, Keeffe fails to disclose a fleece of ceramic, carbon, or glass fibers. However, Horelick discloses the use of a woven yarn made from glass yarn or fiber (Col. 2, Lines 60-61) which can allow the transmission of heat from the lamp assembly (Col. 3, Lines 7-9) and cools the assembly and this is generally known to one of ordinary skill in the art that this extends the life of the lamp assembly. Yarn by definition, is a thread used for knitting or weaving of cloths which can be soft and pliant (Webster's II) which can be construed as being equivalent to a fleece material when woven into a material. Furthermore, it would have been obvious to use a fleece, since the applicant has not disclosed that using a fleece like material solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with using a glass yarn material as a shield. Therefore it would be obvious to use a ceramic, carbon or glass fleece as a material for the jacket because it does not change the way in which the invention operates.

In regard to Claim 14, Horelick discloses using a heat resistant varnish for sealing the jacket or yarn ends at the sleeve ends (22) (Fig. 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to coat the outer surface of the mesh jacket, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70 (CCPA 1950).

Regarding Claim 11, it is generally known that some or most varnishes contain a pigment to enhance the aesthetics of the piece it is applied to. Varnishes are defined as oil based paint (Webster's II Pg 1221), which inherently contains a pigment or the like. Therefore it would be obvious to have a jacket that is colored because it's generally known that varnishes contain a colored pigment or the like.

Allowable Subject Matter

Claims 3, 7, 9-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following are statements of reasons for the indication of allowable subject matter:

Regarding Claim 3, the prior art does not teach or suggest a protective jacket made of carbon fiber reinforced textile fabric.

Regarding Claim 7, the prior art does not teach a mat shaped body comprising an inorganic mineral material

Regarding Claim 9, the prior art does not teach the adhesive for bonding the outer jacket to the reflector body as being a water glass adhesive.

Regarding Claim 10, the prior art does not teach or suggest the outer protective jacket as being a separate hood-shaped body which placed on the outside of the reflector.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gagnon (US Pat 4,625,140), White (US Pat 314,208), and Block (US Pat 5,576,591) disclose a mesh like material for shielding the environment from light source fragments upon failure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9:00am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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